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INT'L TRADEMARK OFFICE #3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Mosley, et al.

Serial No. 10/541,892

Filed: July 8, 2005

For: PEROXISOME PROLIFERATOR-ACTIVATED  
RECEPTOR

Art Unit: Not Yet Known

Examiner: Not Yet Known

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

# **INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

**MERCK & CO., INC.**

By Janice P. Mays Date 9/20/05

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /RL/

## INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

<b>RELATED APPLICATION</b>		
<b>U. S. SERIAL NUMBER</b>	<b>FILING DATE</b>	<b>MERCK CASE</b>

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- the attached information is filed within three months of the filing date of the captioned case.
- the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Heidi M. Struse

Attorney \_\_\_\_\_ For Applicant(s)

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Patent Dept., RY60-30

P.O. Box 2000

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(732)594-0238

Date: September 20, 2005

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /RL/

Substitute for form 1449A/PTO				<b>COMPLETE IF KNOWN</b>	
<b>INFORMATION DISCLOSURE</b>				<b>Application Number</b>	10/541,892
<b>STATEMENT BY APPLICANT</b>				<b>Filing Date</b>	July 8, 2005
				<b>First Named Inventor</b>	Ralph T. Mosley
				<b>Group Art Unit</b>	Not Yet Known
				<b>Examiner Name</b>	Not Yet Known
Sheet	1	of	3	Attorney Docket Number	21269P

## **U.S. PATENT DOCUMENTS**

## FOREIGN PATENT DOCUMENTS

**Examiner Signature** \_\_\_\_\_ **Date Considered** \_\_\_\_\_

\*Examiner: Initial if reference considered, whether or not it is in conformance with MPEP 609. Draw line through clauses (not in conformance) and not considered. Indicate copy of this form with next communication to applicant.

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE**  
**STATEMENT BY APPLICANT**  
*(use as many sheets as necessary)*

COMPLETE IF KNOWN	
Application Number	10/541,892
Filing Date	July 8, 2005
First Named Inventor	Ralph T. Mosley
Group Art Unit	Not Yet Known
Examiner Name	Not Yet Known
Sheet	2 of 3
Attorney Docket Number	21269P

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
	8	UniProt Primary Accession No: Q07809 (PPAR_HUMAN), "Peroxisome Proliferator Activated Receptor Alpha" (1994)
	9	UniProt Primary Accession No: P37231 (PPAT_HUMAN), "Peroxisome Proliferator Activated Receptor Gamma" (1994)
	10	UniProt Primary Accession No: Q03181 (PPAS_HUMAN), "Peroxisome Proliferator Activated Receptor Delta" (1999)
	11	Berger, J., et al., "The Mechanisms of Action of PPARs", Annual Review of Medicine, Vol. 53, pp. 409-435 (2002)
	12	Aranda, A., et al., "Nuclear Hormone Receptors and Gene Expression", Physiological Reviews, Vol. 81, No. 3, pp. 1269-1304 (2001)
	13	Berger, J., et al., "Physiological and Therapeutic Roles of Peroxisome Proliferator-Activated Receptors", Diabetes Technology and Therapeutics, Vol. 4, No. 2, pp. 163-174 (2002)
	14	Moller, D. E., "New Drug Targets for Type 2 Diabetes and the Metabolic Syndrome", Vol. 414, pp. 821 - 827 (2001)
	15	Xu, H. E., et al., "Molecular Recognition of Fatty Acids by Peroxisome Proliferator-Activated Receptors", Molecular Cell, Vol. 3, pp. 397-403 (1999)
	16	Lehmann, J. M., et al., "An Antidiabetic Thiazolidinedione Is a High Affinity Ligand for Peroxisome Proliferator-activated Receptor g (PPARg)", The Journal of Biological Chemistry, Vol. 270, No. 22, pp. 12593-12956 (1995)
	17	Berger, J., et al., "Novel Peroxisome Proliferator-activated Receptor (PPAR) g and PPARd Ligands Produce Distinct Biological Effects", The Journal of Biological Chemistry, Vol. 274, No. 10, pp. 6718-6725 (1999)
	18	Schmidt, A., et al., "Transcription Control and Neuronal Differentiation by Agents That Activate the LXR Nuclear Receptor Family", Molecular and Cellular Endocrinology, Vol. 155, pp. 51-60 (1999)
	19	Sher, T., et al., "cDNA Cloning, Chromosomal Mapping, and Functional Characterization of the Human Peroxisome Proliferator Activated Receptor", Biochemistry, Vol. 32, pp. 5598-5604 (1993)
	20	Elbrecht, A., et al., "Molecular Cloning, Expression and Charaterization of Human Peroxisome Proliferator Activated Receptors g1 and g2", Biochemical and Biophysical Research Communications, Vol. 224, pp. 431-437 (1996)
	21	Schmidt, A., et al., "Identification of a New Member of the Steroid Hormone Receptor Superfamily That Is Activated by a Peroxisome Proliferator and Fatty Acids", Moloeclar Endocrinology, Vol. 6, No. 4, pp. 1634-1641 (1992)
	22	Elbrecht, A., et al., "L-764406 Is a Partial Agonist of Human Peroxisome Proliferator-activated Receptor g", The Journal of Biological Chemistry, Vol. 274, No. 12, pp. 7913-7922 (1999)

Examiner Signature

Date Considered

\*Examiner: Initial if reference considered. (where a citation is in conformance with MPEP 609. Do this through claimed non-inconsequential and not considered.) Include copy of this form with next communication to applicant.

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**REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH /RL/**

Substitute for form 1449B/PTO		<b>COMPLETE IF KNOWN</b>	
<b>INFORMATION DISCLOSURE</b>		<b>Application Number</b>	10/541,892
<b>STATEMENT BY APPLICANT</b>		<b>Filing Date</b>	July 8, 2005
<i>(use as many sheets as necessary)</i>		<b>First Named Inventor</b>	Ralph T. Mosley
		<b>Group Art Unit</b>	Not Yet Known
		<b>Examiner Name</b>	Not Yet Known
Sheet	2	of	3
		Attorney Docket Number	
		21269P	

## **NON PATENT LITERATURE DOCUMENTS**

Examiner Signature	/Robert Landsman/	Date Considered	11/18/2007
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